

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF VIRGINIA
ROANOKE DIVISION

CHRISTINE BARNETTE,)
Plaintiff,) Civil Action No. 7:22cv00388
v.)
DANIEL HILL, *et al.*,)
Defendants.)
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MEMORANDUM OPINION
By: Hon. Thomas T. Cullen
United States District Judge

Plaintiff Christine Barnette, proceeding *pro se*, filed this civil action under 42 U.S.C. § 1983. On January 8, 2023, the defendants filed a motion for summary judgment, and, on January 9, 2023, the court issued a notice pursuant to *Roseboro v. Garrison*, 528 F.2d 309, 310 (4th Cir. 2005). (See ECF Nos. 20–22.) The *Roseboro* notice gave Barnette 21 days to file a response to the motion and advised her that, if she did not respond to the defendants' motion, the court would “assume that Plaintiff has lost interest in the case, and/or that Plaintiff agrees with what the Defendant[s] state[] in their responsive pleading(s).” (Notice, Jan. 9, 2023 [ECF No. 22].) The notice further advised Barnette that, if she wished to continue with the case, it was “necessary that [she] respond in an appropriate fashion,” and that if she failed to file a response to the motion within the time allotted, the court “may dismiss the case for failure to prosecute.” (*Id.*)

To date, Barnette has not responded to the motion or the court's notice and, therefore, the court will dismiss this action without prejudice for failure to prosecute.¹

The Clerk shall send copies of this Memorandum Opinion and the accompanying Order to the parties.

ENTERED this 11th day of May, 2023.

/s/ Thomas T. Cullen
HON. THOMAS T. CULLEN
UNITED STATES DISTRICT JUDGE

¹ The court notes that the *Roseboro* notice was initially returned to the court as undeliverable (*see* ECF No. 24), but the court resent the notice to an updated jail address on February 6, 2023 (*see* ECF No. 26); the remailed notice was not returned to the court.